



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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IN REPLY REFER TO

JAGINST 5813.4G
Code 05

FEB 10 2006

From: Judge Advocate General

Subj: NAVY-MARINE CORPS TRIAL JUDICIARY

Ref: (a) SECNAVINST 1640.9B
(b) SECNAVINST 5900.7D (JAGMAN)
(c) JAGINST 5800.7C CH-3
(d) JAGINST 5090.1

Encl: (1) Judicial Circuits

1. Purpose. To implement the provisions of references (a) through (d) as regards the Navy-Marine Corps Trial Judiciary (hereinafter referred to as the "Trial Judiciary").

2. Cancellation. JAG Instruction 5813.4F

3. Mission and Functions. The Trial Judiciary shall:

a. Provide military judges (active-duty and Reserve) for all general and special courts-martial. The Trial Judiciary has an affirmative duty to ensure that each referred general and special court-martial, once received by the judiciary, is tried in an expeditious manner, consistent with the needs of fundamental fairness and due process. The Trial Judiciary (i.e., Circuit Military Judges) shall coordinate with appropriate authorities with a view to ensuring that the judicial circuit having responsibility for presiding over a court-martial case receives all court-martial charge sheets as soon as possible after referral. Records of trial shall be carefully, but expeditiously, authenticated upon receipt.

b. When approved by the Chief Judge, provide judges to serve as Article 32 investigating officers in cases in which competent authority requests such service, unless this may cause a conflict under Article 26(d), UCMJ. General and special courts-martial shall take precedence.

c. When approved by the Chief Judge or the Circuit Judge in the responsible circuit, provide judges to serve as summary

court-martial when requested by competent authority. General and special courts-martial and Article 32 investigations shall take precedence. Provide judges for hearings required under Article 7407 of reference (a) for the psychiatric transfer of prisoners.

d. Counsel and train participants in judicial proceedings.

e. Participate in regional planning regarding the provision of legal services.

f. Provide judges to serve as Hearing Officers under the provisions of reference (d).

g. Perform other duties as prescribed by the Chief Judge.

4. Authority and Responsibility. In order to accomplish the missions and functions of the Trial Judiciary, authority and responsibility are prescribed for specified personnel as follows:

a. Chief Judge.

The Chief Judge of the Navy-Marine Corps Trial Judiciary, (hereinafter referred to as "Chief Judge"), as the Judge Advocate General's representative, is the Officer-in-Charge of the Trial Judiciary and shall exercise supervisory authority over the Trial Judiciary. The Chief Judge is also the designee of the Judge Advocate General as that term is used in Article 26, UCMJ; R.C.M 108; and R.C.M 502(c), MCM. The Chief Judge shall command and administer the Trial Judiciary, supervise and coordinate the activities of all judiciary personnel (active-duty and Reserve), ensure the effective interchange of information and services among military judges, liaison with other service Chief Trial Judges, ensure the effective accession and follow-on training (Continuing Legal Education) for all judges, and perform other duties as may be directed by the Judge Advocate General. The Chief Judge may reassign the responsibilities of subordinate judges on a temporary basis. The Chief Judge shall designate the Deputy Chief Judge. Unless impractical, if the Chief Judge is a Naval officer, the Deputy Chief Judge should ordinarily be a Marine Corps Officer (and vice versa). The Deputy Chief Judge assists the Chief Judge in the performance of his worldwide duties and responsibilities.

b. Circuit Judge.

The Chief Judge shall designate the Circuit Military Judge of each judicial circuit. The Circuit Military Judge details military judges to preside over courts-martial as provided in paragraph 6. The Circuit Military Judge is responsible for the administration and internal organization of his circuit and shall assist the Chief Judge as required.

5. Establishment of Judicial Circuits and Branch Offices. The judicial circuits of the Trial Judiciary are established to provide military judges within defined geographical areas of responsibility. The descriptive name, location of the principal office, and the geographical responsibilities of the various judicial circuits are shown in enclosure (1). The geographical responsibilities of the various judicial circuits were established to effect an equitable division of work and responsibility among judges. They shall in no way affect the jurisdiction of any court-martial. The Judge Advocate General may accomplish the creation or deletion of circuits, or the temporary reassignment of areas of responsibility, without change to this directive.

6. Detailing Military Judges to Courts-Martial.

a. Section 0130 of reference (b) states the authority to detail military judges to general and special courts-martial. To be detailed, a Navy or Marine Corps officer must meet the qualifications prescribed in R.C.M. 502(c), MCM, and must be assigned permanently or temporarily to the Trial Judiciary. The Chief Judge is authorized to further limit which judge may be detailed to courts-martial and under what circumstances.

b. The Circuit Military Judge (or a designee) who is assigned to a geographical area details military judges within that geographical area. If a court-martial is to assemble at a geographical location not within the area of any judicial circuit, the Chief Judge is authorized to assign the responsibility for the detailing of a military judge. No one outside the Trial Judiciary may influence the detailing of any military judge to any particular case. Within each judicial circuit, it is the responsibility of the Circuit Military Judge to ensure adherence to this principle.

c. No military judge shall be detailed to a court-martial that is to convene in a judicial circuit other than the circuit to which the military judge is assigned, except by the direction of the Chief Judge.

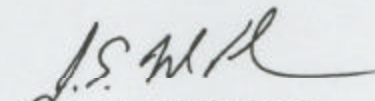
d. Noncompliance with paragraphs 6(b) and (c) of this instruction shall in no way affect the jurisdiction of any court-martial.

7. Rules of Court. The Chief Judge may establish such rules of court as are appropriate for trials throughout the Naval Service and may authorize circuit military judges to establish further those rules to accommodate practice within their circuits. The Chief Judge shall forward copies of all local rules of court to the Judge Advocate General in accordance with R.C.M. 108, MCM.

8. Training. The Chief Judge shall establish a program for the continuing education and professional development of members of the Trial Judiciary. This program shall include professionally presented programs of continuing legal education and periodic organizational meetings.

9. Field Inspections. The Chief Judge shall make such periodic visits to the principal and branch offices of the various circuits as are considered appropriate.

10. Funding. Funds allocated by the Judge Advocate General for the operation of the Trial Judiciary shall be expended at the discretion of the Chief Judge in the furtherance of his responsibilities.


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**JUDICIAL AREAS AND CIRCUITS
OF
NAVY-MARINE CORPS TRIAL JUDICIARY**

Circuit Name	Circuit Judge Location Manned branch offices in parenthesis below Circuit Judge location	Geographic Areas of Responsibility
Northern	Washington, D.C.	Maine; New Hampshire; Vermont; Ohio; Massachusetts; Rhode Island; Connecticut; New York; New Jersey; Pennsylvania; Delaware; Maryland; Washington, D.C.; Marine Corps Combat Center, Quantico, Virginia; Naval Weapons Station Dahlgren, Virginia; all of Europe; Iceland; Africa; countries of the Middle East and Southwest Asia, the Persian Gulf, the Mediterranean and Red Seas; all Atlantic Ocean areas not specifically assigned to another circuit.
Central	Norfolk, VA	Virginia (except those areas designated as within the Northern Circuit); West Virginia; Illinois; Iowa; Kansas; Michigan; Minnesota; Wisconsin; Indiana; Kentucky; Nebraska; North Dakota; South Dakota; and Missouri.
Eastern	Camp Lejeune, NC	All of North Carolina.
Southern	Jacksonville, FL	Alabama; Florida; Mississippi; Louisiana; Texas; Oklahoma; Arkansas; Tennessee; Georgia; South Carolina; the Caribbean Sea to include Panama, Guantanamo Bay, Cuba; and Puerto Rico.
Western	*Camp Pendleton, CA. (San Diego, CA; Bremerton, WA.)	Arizona; New Mexico; Nevada; California; Colorado; Utah; Washington; Oregon; Idaho; Montana; Wyoming; and Alaska.
Westpac	*Pearl Harbor, HI (Okinawa, Japan; Yokosuka, Japan)	Hawaii; New Zealand; Australia; Japan; Korea; Guam; Philippines; Diego Garcia; and areas of Asia and the Pacific and Indian Oceans not included within the Western and Northern circuits.

*Circuit Judge location may shift within this Circuit depending on location of individual designated as Circuit Judge.

Enclosure (1)